

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2179

Wilson Bourjolly, M.D.,

Appellee,

v.

Marvin I. Koenig, M.D.; John P.
Goltschman, M.D.,

Appellants.

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Appeal from the United States
District Court for the Eastern
District of Missouri.

[UNPUBLISHED]

Submitted: March 15, 2000

Filed: March 22, 2000

Before HANSEN, HEANEY, and FAGG, Circuit Judges.

PER CURIAM.

Marvin I. Koenig and John P. Goltschman, administrators of an employee welfare benefit plan, appeal from an adverse judgment in Wilson Bourjolly's action for damages brought under the Employment Retirement Income Security Act. The record is clear that Bourjolly requested his account balance be rolled over to another plan and the administrators' delay in distributing the money caused Bourjolly damage. Contrary to the administrators' views, the district court concluded the administrators breached their fiduciary duties and granted judgment to Bourjolly. Having considered the record

and the parties' submissions in the context of the administrators' contentions, we agree with the district court's analysis and conclude no error of law or fact appears in the district court's ruling. We thus affirm for the reasons stated in the district court's ruling without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.